

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN ALLEN PRATT,

Plaintiff,

V.

CLARK COUNTY DETENTION CENTER,
et al.,

Defendants.

Case No. 2:24-cv-00097-RFB-BNW

ORDER

14 Plaintiff Kevin Allen Pratt brings this civil-rights action under 42 U.S.C. § 1983 to redress
15 constitutional violations that he claims he suffered while incarcerated. ECF No. 1-1. On June 26,
16 2024, this Court ordered Plaintiff to update his address by July 26, 2024. ECF No. 5. That deadline
17 expired without an updated address from Plaintiff, and his mail from the Court is being returned
18 as undeliverable. See ECF No. 6.

19 I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. See Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket;

1 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on
 2 their merits; and (5) the availability of less drastic alternatives. See In re Phenylpropanolamine
 3 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone v. U.S. Postal Serv., 833
 4 F.2d 128, 130 (9th Cir. 1987)).

5 The first two factors, the public’s interest in expeditiously resolving this litigation and the
 6 Court’s interest in managing its docket, weigh in favor of dismissal of Plaintiff’s claims. The third
 7 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
 8 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
 9 or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
 10 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by
 11 the factors favoring dismissal.

12 The fifth factor requires the Court to consider whether less drastic alternatives can be used
 13 to correct the party’s failure that brought about the Court’s need to consider dismissal. See Yourish
 14 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
 15 alternatives *before* the party has disobeyed a court order does not satisfy this factor); accord
 16 Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive
 17 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives
 18 prior to disobedience of the court’s order as satisfying this element[,]” i.e., like the “initial granting
 19 of leave to amend coupled with the warning of dismissal for failure to comply[,]” have been
 20 “eroded” by Yourish). Courts “need not exhaust every sanction short of dismissal before finally
 21 dismissing a case, but must explore possible and meaningful alternatives.” Henderson v. Duncan,
 22 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed without the
 23 ability for the Court and the defendants to send Plaintiff case-related documents, filings, and
 24 orders, the only alternative is to enter a second order setting another deadline. But without an
 25 updated address, the likelihood that the second order would even reach Plaintiff is low, so issuing
 26 a second order will only delay the inevitable and further squander the Court’s finite resources.
 27 Setting another deadline is not a meaningful alternative given these circumstances. So the fifth
 28 factor favors dismissal.

1 **II. CONCLUSION**

2 Having thoroughly considered these dismissal factors, the Court finds that they weigh in
3 favor of dismissal. It is therefore ordered that this action is dismissed without prejudice based on
4 Plaintiff's failure to file an updated address in compliance with this Court's June 26, 2024, order.
5 The Clerk of Court is directed to enter judgment accordingly and close this case. No other
6 documents may be filed in this now-closed case. If Plaintiff wishes to pursue his claims, he must
7 file a complaint in a new case and provide the Court with his current address.

8 It is further ordered that the Plaintiff may move to reopen this case and vacate the judgment
9 by filing a motion for reconsideration of this order. In this motion, the Plaintiff would need to
10 explain that circumstances which led to him not being able to update his address as directed by the
11 Court. If the Court finds there is good cause or a reasonable explanation for the failure to update
12 the address, the Court will reopen the case and vacate the judgment.

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14 DATED: August 9, 2024

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RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE
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